

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States of America,

— v. —

Brian Swiencinski, *et al.*,

Defendants.

No. 4:18-cr-00368

**UNOPPOSED MOTION OF DEFENDANT BRIAN SWIENCINSKI TO RELEASE
COPY OF PASSPORT**

Defendant, Brian Swiencinski, respectfully requests that the Court release a *copy* of his passport for the sole purpose of facilitating the payment of taxes due on a property owned in Panama, and in support, states as follows:

1. Per Mr. Swiencinski's conditions of release, his travel is restricted to the State of Texas.
2. Mr. Swiencinski has been complying with his conditions of release for nearly six years—without incident. After a six-week trial in 2022, the Court declared a mistrial on December 13, 2022. Mr. Swiencinski remains released under the same conditions of release that applied pretrial.
3. A term of Mr. Swiencinski's conditions of release is the surrendering of his passport, which he complied with.
4. Mr. Swiencinski requests that the Court authorize and order the Probation Office to release a *copy* of Mr. Swiencinski's passport ID page to his counsel of record.
5. Mr. Swiencinski owns an apartment in Panama, where his mother-in-law lives. The copy of his passport is *not* intended for travel use. Back taxes are owed on the property. The

Panamanian tax authority still shows the apartment as held in the prior owner's name, and a copy of Mr. Swiencinski passport is needed to rectify this and pay the tax due.

6. The copy of the passport will be provided to the Panamanian tax authority. The copy will then be *immediately destroyed*. Counsel will provide confirmation of destruction of the copy to the Court and the Probation Office.

7. There are sufficient grounds to grant this motion. Mr. Swiencinski has dutifully followed his conditions of release without incident, and he has appeared for trial and all other court proceedings when his appearance was required.

8. There is no incentive for him to flee the jurisdiction of the Court or reason to believe that he would do so.

9. Counsel to Mr. Swiencinski conferred with counsel for the government, who indicated the government does not object to this motion. Accordingly, Defendant Brian Swiencinski respectfully requests that the Court authorize and order the Probation Office to release a copy of his passport so that he may pay taxes owed on his property located in Panama. The copy will be destroyed immediately after its intended use.

Dated: April 29, 2024

Respectfully submitted,

/s/ Rachel Riley

Brandon McCarthy (admitted *pro hac vice*)

Texas Bar No. 24027486

Rachel M. Riley

Texas Bar No. 24093044

Katten Muchin Rosenman LLP

2121 N. Pearl Street, Suite 1100

Dallas, TX 75201

(214) 765-3600

brandon.mccarthy@katten.com

rachel.riley@katten.com

Mary C. Fleming (admitted *pro hac vice*)
Katten Muchin Rosenman LLP
1919 Pennsylvania Ave NW, Suite 800
Washington, DC 20006
(202) 625-3754
mary.fleming@katten.com

Michael A. Villa, Jr.
Texas Bar No. 24051475
Meadows, Collier, Reed,
Cousins, Crouch & Ungerman, LLP
901 Main Street, Suite 370
Dallas, TX 75202
(214) 744-2700
mvilla@meadowscollier.com

Attorneys for Brian Swiencinski

CERTIFICATE OF CONFERENCE

I hereby certify that I have conferred with the government on April 26, 2024 regarding this Motion to Release Copy of Passport. The government is unopposed to Mr. Swiencinski's motion.

/s/ Rachel Riley
Rachel Riley

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing Motion to Release Copy of Passport, and a true and correct copy of the foregoing was served on all parties and counsel of record via the court's ECF system on this April 29, 2024.

/s/ Rachel Riley
Rachel Riley